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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,037	12/31/2001	Avigdor Levanon	10793/44	8494

26646 7590 01/03/2007  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER
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CANELLA, KAREN A

ART UNIT	PAPER NUMBER
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1643

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/03/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/032,037	<b>Applicant(s)</b> LEVANON ET AL.	
	<b>Examiner</b> Karen A. Canella	<b>Art Unit</b> 1643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 2,3,6-13,153,154,156 and 164 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 2,3 is/are allowed.
- 6) ☐ Claim(s) 6-13,153,154,156 and 164 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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### DETAILED ACTION

Claim 2, 3, 6, 7, 9, 12, 156 and 164 have been amended. Claim 4 has been canceled. Claims 2, 3, 6-13, 153, 154, 156 and 164 are pending and under consideration.

Sections of Title 35, U.S. Code not found in this action can be found in a previous action.

Claims 6-13, 153, 154, 156 and 164 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are indefinite in their reliance on canceled claim 4.

Claims 6, 9 and 154 are vague and indefinite in the recitation, "wherein (y)r is not sulfated" because (y)r is shown attached to an "S" in the formulas.

Claim 153 is vague and indefinite in the recitation "wherein at least one of amino acids 276, 278 and 279" are sulfated" because it appear from the formula of claim 9 that only one amino acid is sulfated.

The rejection of claims 153 and 154 under 35 U.S.C. 102(b) as being anticipated by Ward et al (Biochemistry, 1996, Vol. 35, pp. 4929-4938) is maintained for reasons of record, because the scope of claim 153 is unclear for the reasons set forth in the rejection under 112, 2<sup>nd</sup> above.

Ward et al disclose an isolated epitope comprising amino acid sequence Tyr276 to Glu282 of GPIb alpha (lines 14-16 of abstract) wherein at least one tyrosine residue is sulfated. It would be inherent in the peptide of residues 1-282 of GPIb alpha that at least one of amino acids 276, 278 and 279 is sulfated because the peptide comprises the sequence YDYYPEE which was disclosed by Ward et al to be 90% sulfated on Tyr 278 and 279 and 50% sulfated on Tyr 282. Ward et al disclose the peptide of DEGDTDLYDYYPEEDTEGD (page 4930, first column, line 44) which fulfills the specific embodiments of claim 6 with (Y)r=0, because z=1, (W)z=Gly, P(first)=Asp-Thr-Asp as (A)n(X)u(A), P(second)=Leu as (A)n, wherein m and u=0, sulfo-Tyr, P(third) as (A)n=Asp, wherein m and u=0, t=2 and (Y)t=sulfo-Tyr-sulfo-Tyr, P(forth)=Pro-Glu-Glu-Asp as (X)u(A)n(A)m, wherein u and m=1 and n=2 and (X)u=Pro, (A)n=Glu and (A)m is Asp and also the embodiments of claims 7 because at least one A is Aspartate or Glutamate.

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Ward et al disclose a peptido-conjugate comprising the sulfated peptide within the GP Ib-IX complex (page 4930, first column, lines 12-15) which fulfills the specific embodiments of claim 8 requiring a peptido conjugate because the linkage of the peptide via the sulfonated tyrosines to the trimeric complex of GP Ib-IX is a peptido conjugate.

Amendment of claim 153 to further limit the scope of claim 9 will overcome this rejection.

All other rejections and objections as set forth in the previous Office action are withdrawn in light of applicants amendments.

Claims 2 and 3 are free of the art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen A. Canella whose telephone number is (571)272-0828. The examiner can normally be reached on 10-6:30 M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms can be reached on (571)272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Karen A. Canella, Ph.D.

12/26/2006

  
KARENA. CANELLA, PH.D.  
PRIMARY EXAMINER